

STEVEN M. SELNA (State Bar No. 133409)
S. FEY EPLING (State Bar No. 190025)
DRINKER BIDDLE & REATH LLP
50 Fremont Street, 20th Floor
San Francisco, California 94105-2235
Telephone: (415) 591-7500
Facsimile: (415) 591-7510

E-filed 10/27/05

Attorneys for Plaintiffs/Counter-Defendants
JOHNSON & JOHNSON and LIFESCAN, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOHNSON & JOHNSON and
LIFESCAN, INC.,

Plaintiffs,

v.

ONETOUCH TECHNOLOGIES
CORPORATION,

Defendant.

Case No. C04-03775 JF

**STIPULATION AND [PROPOSED]
ORDER DISMISSING COMPLAINT
AND COUNTERCLAIMS WITH
PREJUDICE**

ONETOUCH TECHNOLOGIES
CORPORATION,

Counterclaimant,

v.

JOHNSON & JOHNSON and
LIFESCAN, INC.,

Counter-defendants.

WHEREAS; the parties have resolved this matter through settlement and reduced that agreement to a writing executed in or about September 2005 (the "Settlement Agreement");

THE PARTIES THEREFORE stipulate and request that this Court enter dismissal

1 of this action, in its entirety, with prejudice.

2
3 Dated: October 26, 2005

DRINKER BIDDLE & REATH LLP

4 /s/ Steven M. Selna

5 STEVEN M. SELNA

S. FEY EPLING

6 Attorneys for Plaintiffs/Counter-
7 Defendants JOHNSON & JOHNSON and
LIFESCAN, INC.

8 Dated: October 26, 2005

MCKENNA LONG & ALDRIDGE LLP

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ANN G. GRIMALDI

11 Attorneys for Defendant/Counterclaimant
12 ONETOUCH TECHNOLOGIES
13 CORPORATION

14 **ORDER**

15 The parties having so stipulated, and good cause appearing therefor, it is hereby
16 ordered that this matter be dismissed with prejudice.

17
18 Dated: 10/27/05

/s/electronic signature authorized

19 HON. JEREMY FOGEL

UNITED STATES DISTRICT JUDGE